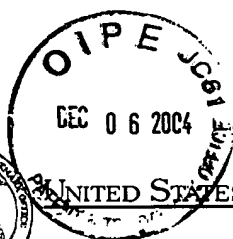


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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/711,334	09/10/2004	John K Stevens	JKMS.P007DV

CONFIRMATION NO. 5333

21121  
 OPPEDAHL AND LARSON LLP  
 P O BOX 5068  
 DILLON, CO 80435-5068

FORMALITIES LETTER



\*OC000000014061102\*

Date Mailed: 10/12/2004

## NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

### FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) 2 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted item(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the

references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

.....

*A copy of this notice MUST be returned with the reply.*

  
\_\_\_\_\_  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



ATTORNEY DOCKET NO: JKMS.P-007-DV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:: John K. Stevens  
Serial No.: 10/711,334  
Confirmation No.: 5333  
Filing date: September 10, 2004  
Title: Computerized Recording and Notification of the Delivery and Pickup  
Of Retail Goods

**RESPONSE TO NOTICE OF OMITTED ITEM(S)**

Mail Stop Missing Parts  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the Notice of Omitted Items mailed October 12, 2004, a copy of which is enclosed, applicant herewith submits figure 2. This is not new matter because it was incorporated herein by reference.

There is no fee believed due, however, the Commissioner is authorized to debit any additional fees due or credit any overpayments to Deposit Account No. 15-0610.

Respectfully,  
OPPEDAHL & LARSON LLP

Carl Oppedahl, PTO Reg. No. 32,746

P.O. Box 5068

Dillon, CO 80435-5068

Tel: 970) 468-6600 Fax: (970) 468-0104

<p><b>Cert. Under 37 CFR 1.8</b> This paper and the attachments herein are being deposited with the United States Postal Service with sufficient postage as first class mail and addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on</p> <p>DEC - 1 2004</p> <p>Name <u>Anne Wagner</u></p> <p>Signature <u>Anne Wagner</u></p>
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